

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

DELILAH CUMMINGS

**Consent  
Order of Restitution**

23 Cr. 214 (ER)

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Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Kedar S. Bhatia, Rebecca T. Dell, and Derek Wikstrom, Assistant United States Attorneys, of counsel; the presentence investigation report; the defendant's conviction on Count One of the Information; and all other proceedings in this case, it is hereby ORDERED that:

**1. Amount of Restitution**

Delilah Cummings, the defendant, shall pay restitution in the total amount of \$150,000, pursuant to 18 U.S.C. § 3663(a), to the victim of the offense charged in Count One. The name, address, and specific amount owed to the victim is set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

**2. Schedule of Payments**

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). The defendant will commence monthly installment payments of at least ten percent of the defendant's gross income, payable on the first of each month, immediately upon entry of this judgment. This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted.

**3. Payment Instructions**

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his/her name and the docket number of this case on each check or money order.

**4. Change in Circumstances**

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

**5. Term of Liability**

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the

event of the death of the defendant, the defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: Rebecca Dell  
Kedar S. Bhatia  
Rebecca T. Dell  
Derek Wikstrom  
One Saint Andrew's Plaza  
New York, NY 10007  
Tel.: (212) 637-2465 / 2198 / 1085

09/20/2023  
\_\_\_\_\_  
DATE

DELILAH CUMMINGS

By: Delilah Cummings  
Delilah Cummings

09/20/2023  
\_\_\_\_\_  
DATE

By: Aaron M. Goldsmith  
Aaron M. Goldsmith, Esq.  
Law Office of Aaron M. Goldsmith, P.C.  
225 Broadway, Suite #715  
New York, New York 10007  
Tel: (914) 588-2679

09/20/2023  
\_\_\_\_\_  
DATE

SO ORDERED:

Edgardo Ramos  
HONORABLE EDGARDO RAMOS  
UNITED STATES DISTRICT JUDGE

9/22/2023  
\_\_\_\_\_  
DATE

**Schedule A**

<b><u>Victim Name</u></b>	<b><u>Address</u></b>	<b><u>Loss</u></b>
United States Small Business Administration	SBA / DFC EIDL Application Number 3311047859 721 19th Street, 3 <sup>rd</sup> Floor, Room 301 Denver, CO 80202	\$150,000